

NORTH  
HILL

# Spar for the course

Town, golf course  
company, argue  
over contract

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DUXBURY – If the police officer stationed by the door was any indication, selectmen were prepared for fireworks during their Monday night meeting.

The battle between the town and Johnson Golf, the company that operates the North Hill Golf Course, was taking a new turn as the Board of Selectmen considered whether the company was in violation of its contract with the town.

As he opened his presentation, town counsel Robert Troy said, about the thick packet of documents he gave each selectmen, "These are facts. There's not a lot for room for interpretation."

Facts or not, Steven Follansbee, the lawyer for Johnson golf, made every effort to dispute them.

Doug Johnson, the company's owner was not present at the meeting.

The major violation, it seemed, was Johnson Golf's failure to provide a bond to protect the town from financial loss if the company were to go out of business. Troy presented a letter from Johnson Golf's bonding agent stating that, due to the legal conflict between the company and the town, it was unable to get such a bond.

Johnson Golf filed suit against the town after another company was awarded the contract to operate the golf course. The company won a court ruling that places it in charge of the course under the rules of the expired contract during the course of the trial.

Follansbee responded that since there is no definite end date to the contract due to it being tied up in court, the bonding agency refused to issue a bond. "It's a problem that can be solved if we work together," he added.

However, the judge overseeing the case, Troy reported, had ordered that Johnson Golf get a \$500,000 bond.

"The town needs to be insured if something goes bad," Selectmen Chairman

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# Town levels charges against Johnson Golf

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Shawn Dahlen said.

According to Troy, the town took action now because the golf season is winding down, but Johnson Golf won't collect membership fees for next season until November. That, he explained, puts pressure on Johnson Golf before the company has pocketed its fees for the upcoming year.

Troy had little sympathy for Johnson Golf's situation, noting that they had filed the lawsuit, which was, supposedly, preventing them from getting a bond. He also noted that if they were having a problem, they could ask the court for a modification of the contract terms.

Besides the bond, Johnson Golf has been consistently late in making its payments to the town and in paying a payment in lieu of taxes to the town. Troy said the contract requires Johnson Golf to pay the town the first of each month. Since March 2009, Recreation Director Gordon Cushing said, the company had only paid on time twice, in September and October of this year. As for the PILOT payment, it was due the first of June, but didn't arrive until the June 28, Cushing said. A note from Johnson was included, apologizing and claiming a family illness had kept him from getting the check out on time.

Follansbee had a different interpretation of the situation. "If you look at the contract, payment for March would be April 1. We've been paying early. That's consistent. The town never doesn't get their money."

"Our documentation shows they were late," Troy said, "Johnson's obligation is to pay on time."

Selectmen will review the testimony and the materials presented and are likely to make a decision at their Sept. 18 meeting.

the non-existent bond, Johnson Golf was charged with several other violations.

## Beer on the green

The town claims Johnson Golf operated a beer cart in the course in violation of its liquor license. Follansbee disputed this, stating that he "categorically denied" that any such thing had happened in the past two years. He also claimed that the license, has written, allows drinks to be sold on the course.

## Hiking the fees

The town charges that Johnson golf has charged golfers increased fees on holidays, in violation of the contract, which only permits higher fees on weekends.

## Audits

The town states that audits and financial reports have not been provided, and that some of the information is given on a handwritten form. Follansbee said the company has been using a form provided by the town. Cushing responded that he gave that form to Johnson Golf solely as an example of what information he wanted.

## Other issues between the two sides

Besides the late payments and